



**CITY OF LEON VALLEY  
CITY COUNCIL REGULAR MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, May 7, 2019

**MINUTES**

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**6:00 PM** Call to Order, Determine a Quorum is Present, Pledge of Allegiance.

Attendee Name	Organization	Title	Status	Arrived
Chris Riley	City of Leon Valley	Mayor	Present	
Monica Alcocer	City of Leon Valley	Mayor Pro Tem	Present	
David Edwards	City of Leon Valley	Council Place 1	Present	
Catherine Rodriguez	City of Leon Valley	Council Place 2	Present	
Benny Martinez	City of Leon Valley	Council Place 4	Present	
David Jordan	City of Leon Valley	Council Place 5	Present	

Also present was ACM/HR Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Denise Frederick, Public Works Director Melinda Moritz, Special Events/Community Center Manager Maribel Mendoza, Assistant Finance Director Ashley Wayman, LVFD Fire Chief Michael Naughton, LVPD Chief Joseph Salvaggio, LVPD Assistant Chief Ruben Saucedo, Planning & Zoning Director Brandon Melland and various LVPD staff.

Mayor Chris Riley welcomed everyone and led the Pledge of Allegiance.

Mayor Riley asked for all cell phones to be silenced and that if anyone in the audience needed to speak with their neighbor, they take it to the foyer so they don't disturb the meeting.

**PRESENTATIONS**

**Discussion and Possible Action on a Resolution Canvassing the Returns and Declaring the Official Results of the City of Leon Valley, Texas, May 04, 2019, General Election (M&C # 2019-05-07-01 S. Passailaigue)**

City Secretary Sandra Passailaigue presented the Canvass of the May 4, 2019 General Election as required by the Texas Election Code, Chapter 67 § 67.002.

Mayor Riley announced that there had been two separate petitions for a recount submitted, one for Place 1 and the other for Place 5. The resolution would not be considered this evening, no Certificate of Election would be issued, and no Oath of Office would be administered until after the recount.

Councilor Monica Alcocer asked if Mayor Riley was announcing a recount and asked for clarification.

Mayor Riley has named herself as Recount Supervisor and Recount Coordinator. The Mayor as the Recount Supervisor will also name the two Recount Committee Members each with four (4) members.

- Olen Yarnell asked who would be supervising everything and where the recount would take place.
  - Mayor Riley replied that Jacqueline Callanan, Bexar County Elections Administrator would oversee the recount and that the recount would be conducted at Bexar County Elections Department.

**The Honorable Judge Lawrence G. Morales will administer the Oath of Office and There Will Be a Presentation of the Certificate of Election to Newly Elected Council.**

Mayor Riley skipped this item due to the recount.

**Presentation of Good Neighbor Award to Mr. Henry Diecker (Mayor Chris Riley)**

Mr. Diecker was not present so Mayor Riley skipped this item.

**Presentation of a Proclamation - 50th Anniversary of Municipal Clerks Week - May 5 - 11, 2019 (Mayor Chris Riley)**

Mayor Chris Riley and City Manager Kelly Kuentler presented City Secretary Sandra Passailaigue with a Proclamation in honor of the 50<sup>th</sup> Anniversary of Municipal Clerks Week which will be observed the week of May 5<sup>th</sup> - 11<sup>th</sup>, 2019.

**CAG Annual Report (John Hoyt, Chairman)**

Bandera Road Groundwater Plume Superfund Site Community Advisory Group (CAG) Chairman, John Hoyt presented the Annual Report.

**Pool Advisory Committee - Annual Report (Raymond Diaz, Chairman)**

Pool Advisory Chairman Raymond Diaz presented the Annual Pool Advisory Committee Report.

**Presentation and Discussion on the Expenditures and Revenues of the 4th of July Festival (M&C # 2019-05-07-02 M. Mendoza)**

Special Events/Community Center Manager Maribel Mendoza presented this item to present and discuss the current expenditures and revenues of the 4<sup>th</sup> of July Festival. The presentation proposed a one-dollar entrance fee which would cover all of the rides. The proceeds from this entrance fee would cover the cost of the ride rentals. Ms. Mendoza also listed all of the sponsors she has to date. Ms. Mendoza also asked City Council for suggestions on a grand marshal reminding them that this year the them is First Responders.

Councilor Monica Alcocer suggested using one of our own fire or police officers that have received commendations as grand marshal may be a good idea.

Mayor Riley suggested Retired Air Force General Russ Handy that she met at the MPO meeting.

- David Smith was opposed to an entry fee; suggested that staff find a “ride sponsor” instead.

Mayor Riley asked if there would be an ATM machine. City Secretary Passailaigue responded that last year, she was unable to get ATM machines.

Councilor Benny Martinez said he was opposed to charging a fee.

Councilor Monica Alcocer said she would like to see more money spent on music than rides; maybe charge a dollar per ride.

Councilor David Edwards said he liked the idea of sponsorship.

ACM/HR Director Crystal Caldera spoke up and said that the sponsors are not donating the amounts they have in the past and the cost of the fireworks was not included in this year’s expenditures but it will be an additional “\$10,000” next year. The dollar entry fee was just a way of offsetting the increase cost of the July 4<sup>th</sup> event because the cost goes up every year but the sponsorship goes down.

Councilor Benny Martinez suggested allowing the ride vendor to collect their own money. ACM/HR Director Caldera replied that this had been tried in a previous year and that the vendor did not collect enough money. Councilor Martinez replied, “That’s his problem, not ours.”

Councilor David Edwards said that his grandchildren love the rides so if there is some way to keep them please do.

- Lyn Joseph asked who would be doing the color guard and suggested having one from each branch as grand marshal.
- Will Bradshaw said he found a company on his phone that has ATM machines.
- Bobby Anderson suggested having local businesses help.

There was a consensus among members of City Council to have first responders for the Grand Marshal.

- Richard Blackmore suggested that we stay away from Generals and Politicians.

City Attorney Denise Frederick asked for a Point of Clarification regarding Olen Yarnell’s question about the recount supervisor.

City Attorney Frederick stated that the recount is done in-house and the Mayor is the Supervisor and Coordinator. "Ms. Callanan is NOT the Supervisor of this recount. She is just over the elections in Bexar County."

<b>RESULT:</b>	<b>PRESENTED</b>
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### **CITY MANAGER'S REPORT**

City Manager Kelly Kuenstler reminded everyone that the City Manager's Report is posted on the website as well as placed on the table in the foyer for all interested. City Manager Kuenstler then supplemented that report with new information with: a) We strive to train staff here and push furthering education - many have taken advantage of that including for the first time ever in Leon Valley's history, getting our municipal court clerks certified, we just got eight (8) of our directors certified to respond to emergencies by their completion of a CERT Class - we also have three (3) Councilors with this certification. This is twenty (20) hours of instruction plus an exercise. But we also push our staff to continue with college and grad school. This May, Chief Joseph Salvaggio and Assistant Finance Director, Ashley Wayman, will earn their MPA. Congratulations to both of them. b) The pink flags you see in front of City Hall go from 410 to 1604, this is a utility assessment being done by Halff & Associates for the Bandera Road Project; c) LVPD participated in the Special Olympics 50th Anniversary of the statewide games this past weekend, Chief Salvaggio was the keynote speaker.; d) I will be the keynote speaker at the TCMA Annual Conference regarding the support given to the Police Department during our trying times with the first amendment auditors and also lead and coach UTSA's team for the inter-collegiate public academic games; e) The Texas Legislature is in full swing and I sent you all an email today asking you to email senators and representatives to let them know of TML's opposition to HB3535 by Rep Phelan, other Bills were also discussed at this time; f) Updated all on the sidewalk coming in near Walgreens on Bandera Road thanks to TxDOT and Mr. Diecker's persistence.

### **Committee Minutes:**

- 02-12-2019 Earthwise Living Committee Minutes
- 02-15-2019 Tree Advisory Committee Minutes
- 03-04-2019 Economic and Community Development Advisory Committee Meeting Minutes
- 03-04-2019 Pool Advisory Committee Minutes
- 03-13-2019 Pool Advisory Committee Minutes
- 03-14-2019 Park Commission Minutes
- 03-14-2019 Library Board of Trustees Meeting Minutes
- 03-25-2019 Tree Advisory Committee Minutes
- 04-08-2019 Pool Advisory Committee Minutes

### **Upcoming Important Events:**

- Next Regular City Council Meeting Tuesday, May 21, 2019, at 6:00 p.m.
- Public Awareness Class - Get Familiar with the AED hosted by the Leon

- Valley Fire Department, Saturday, May 18, 2019, at 9:00 a.m., at the Leon Valley Public Library.
- City of Leon Valley Ethics Training:  
Session Title: Fostering Integrity at the City of Leon Valley  
Dates: 1<sup>st</sup> Session: Monday, May 20, 2019, from 2:00 p.m. - 5:00 p.m. (To be held at City's Conference Center)  
2<sup>nd</sup> Session: Tuesday, May 21, 2019, from 9:00 a.m. - 12:00 p.m. (noon)  
(To be held in City Council Chambers)
  - Leon Valley Swimming Pools open Saturday, May 25, 2019.
  - Summer Reading Kick Off - "Big Rig Petting Zoo", Monday, June 10, 2019, from 10:30 a.m. - 12:00 p.m. (noon), at the Leon Valley Public Library.
  - Children's recording artist Joe McDermott concert, Tuesday, June 18, 2019, at 10:30 a.m., at the Conference Center.
  - Coffee with the Mayor and City Council, Saturday, July 27, 2019, from 9:00 a.m. until 11:00 a.m. at the Conference Center.
  - Coffee with the Mayor and City Council, Saturday, October 26, 2019, from 9:00 a.m. until 11:00 a.m. at the Conference Center.
  - Miscellaneous other events and announcements.

### **CITIZENS TO BE HEARD**

- Abe Diaz spoke about junk vehicles and the definition in the Code; asked City Council to bring this up at the next Council meeting for a resolution.
- Lyn Joseph said citizens spoke to her about their cars being towed; Ms. Joseph said she thinks the City should give a notice.
  - LVPD Chief Salvaggio replied that Mr. Diaz' daughter was given a notice that she scraped off. The warning she was given was ignored. Chief urged citizens to abide by the notices and please, do not ignore them. "This department does follow up!"
- Olen Yarnell asked why we are towing and not just issuing tickets
- Will Bradshaw spoke about vehicles being towed from driveways with only a twenty-four (24) hour notice
- Jesse Barrera spoke about the L17 Project are still here and we need to get control. We need another meeting.
  - Councilor Martinez said he would like to have the contractor at the next Council meeting.
  - Public Works Director Melinda Moritz informed Councilor Martinez that she attends the meetings every Thursday and the problem is that they have had rain delay after rain delay after rain delay. If no more rain delays, this should be done in August.
- Irene Baldrige spoke about the 45<sup>th</sup> Anniversary of the Garden Club on May 14<sup>th</sup> at 5:30 p.m. at the Community Center.
- Carrie Macias spoke about a home at 6622 Huebner Road that is vacant and in great need of repair. There are serious code violations with large possums.
  - City Manager Kuenstler said she placed this in the On-It system and will be sure staff looks into it.
- John Hall thanked Mr. Diaz and the Pool Advisory Committee for all of their hard work.

Please keep our pools a safe haven for our students.

- Bobby Anderson spoke about 5407-5419 Bandera Road Certificate of Occupancy and said he was looking for guidance on how the process can be expedited.
  - City Manager Kelly Kuenstler and Planning & Zoning Director Brandon Melland responded to Mr. Anderson.

**ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS**

Councilor David Edwards thanked everyone for coming out this evening; enjoyed serving, down by one vote, thank you for the opportunity to serve.

Councilor Catherine Rodriguez thanked everyone for coming out this evening; good rain coming.

Councilor Monica Alcocer spoke about the fireflies; comments on Next Door; and reminded everyone to smile more.

Councilor Benny Martinez thanked everyone for coming; and reminded everyone that every vote does count.

Councilor David Jordan thanks for coming out; have a good evening.

Mayor Chris Riley Bandera Road Corridor meeting had over 600 people show up; watch ENews for a 2<sup>nd</sup> public meeting from TxDOT in June for more on Bandera Road options.; Soap Box Derby is actually October 12<sup>th</sup> this year; and lastly a letter from the City received a Superior Water Quality Rating.

**CONSENT AGENDA**

A motion was made by Councilor Monica Alcocer and seconded by Councilor David Jordan to accept Consent Agenda Item 6.1, 6.2 and 6.3 as presented with the minor corrections to the minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Monica Alcocer, Mayor Pro Tem
<b>SECONDER:</b>	David Jordan, Council Place 5
<b>AYES:</b>	Alcocer, Edwards, Rodriguez, Martinez, Jordan

1. Consideration of the Following City Council Minutes:
  - a. Regular Meeting- April 2, 2019 6:00 PM
  - b. Regular Meeting- April 16, 2019 6:00 PM
  - c. Special Meeting- April 16, 2019 8:00 PM
  - d. Coffee with the Mayor and City Council- April 27, 2019 9:00 AM

**Presentation and Authorization to Expend \$32,500 of Economic Development Project Funds for Sponsorship of the 4th of July Festival and Soap Box Derby (M&C # 2019-05-07-03 M. Mendoza)**

**Presentation, Discussion, and Possible Action on a Request by MTR Engineers for Approval of an Amending Plat of the Northside ISD Subdivision, Generally Located on the West Side of Evers Road, Approximately 500 Feet North of Wurzbach Road (M&C # 2019-05-07-04 B. Melland)**

**ORDINANCE**

**Discussion and Possible Action on an Ordinance on the Proposed Contract Amendment of the Current Contract Dated May 24, 2017, Between American Traffic Solutions and the City of Leon Valley for the Photographic Traffic Signal Enforcement System Program (1st Reading was held on 04-16-2019) (M&C # 2019-05-07-05 J. Salvaggio)**

LVPD Chief Joseph Salvaggio presented this item for a second reading of an ordinance amending the current contract dated May 24, 2017, between the City of Leon Valley and American Traffic Solutions (Verra Mobility) for the photographic traffic control systems currently in place in Leon Valley. The ordinance approving an amendment would change the contract to expire after a term of twenty years after the first citation was issued from the last camera installed, which would be May 2038.

- Will Bradshaw asked about early termination of the contract
- Richard Blackmore spoke in favor of the RLC Program
- Jackie Conrad spoke in favor of the RLC Program
- William Johnson spoke in favor of the RLC Program

A motion was made by Councilor Monica Alcocer and seconded by Councilor David Jordan to adopt the ordinance as presented.

- Bobbie Anderson asked if there would be speed radar citations in the future.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Monica Alcocer, Mayor Pro Tem
<b>SECONDER:</b>	David Jordan, Council Place 5
<b>AYES:</b>	Alcocer, Rodriguez, Jordan
<b>NAYS:</b>	Edwards, Martinez

**REGULAR AGENDA**

**Presentation and Discussion of an Ordinance Granting Approval of a Request for a Variance to Article 1.09 Parks and Recreation, Section 1.09.008 Park Resource Usage, Subsections (b) and (g), to Allow the Use of a Portion of The Ridge at Leon Valley Park to Hold Radio Controlled Car (RC Car) Activities and Events (1st Reading as Required by City Charter) (M&C # 2019-05-07-06 M. Moritz)**

Public Works Director Melinda Moritz presented this item seeking City Council consideration of an ordinance granting a request for a variance to Article 1.09 Parks and Recreation, Section 1.09.008 Park Resource Usage, subsections (b) and (g), to use a portion of The Ridge at Leon Valley Park to hold radio controlled or "RC" toy vehicle

activities and events.

- Donna Charles said she was going to ask about parking and noise but that this seems to have already been discussed.

<b>RESULT:</b>	<b>FIRST READ</b>
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**Presentation and Discussion to Consider Approval of an Ordinance Awarding the Lowest Responsible Bid to the Pavestone Company, in the Amount of \$45,302.50, for the Purchase of Pavers to be Used For the Shadow Mist Park Parking Lot, Located at 5487 Shadow Mist Drive (1st Reading as Required by City Charter) (M&C # 2019-05-07-07 M. Moritz)**

Public Works Director Melinda Moritz presented this item seeking City Council consideration an ordinance awarding the lowest responsible bid to the Pavestone Company, in the amount of \$45,302.50, for the purchase of eco-locking pavers to be used for a Low Impact Development (LID) type parking lot, located at the Shadow Mist Park, 5487 Shadow Mist Drive.

- Donna Charles said she was very pleased to see this instead of the pile of dirt that the neighborhood has had to look at.
  - City Manager Kelly Kuenstler thanked everyone in the Shadow Mist Subdivision for their patience.

<b>RESULT:</b>	<b>FIRST READ</b>
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**Presentation and Discussion of an Ordinance Authorizing a Budget Adjustment in the Amount of \$2,500 From the Enterprise Fund Balance to Allow Rain Barrel and Xeriscape Rebates. (1st Reading as Required by City Charter) (M&C # 2019-05-07-08 Y. Acuna)**

Public Works Yvonne Acuna presented this item seeking City Council consideration an ordinance authorizing a budget adjustment in the amount of \$2,500 from the Enterprise Fund Balance for the purpose of adding rain barrel and xeriscape rebates to our current conservation program.

- Pat Martinez asked about the credits; and about rain barrel connections.
- Lyn Joseph wanted to know where she could get the colored ones; and about the \$100 charge.

<b>RESULT:</b>	<b>FIRST READ</b>
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**Presentation, Discussion and Possible Action on Selecting New Events for the City of Leon Valley (M&C # 2019-05-07-09 M. Mendoza)**

Special Events/Community Center Manager Maribel Mendoza presented this item to discuss and get direction from City Council on selecting new events for the City of Leon

Valley.

Staff recommends to remove Grandparents Day due to low attendance and add Music in the Park or other any option that City Council decides.

There was a brief discussion among members of Council.

- Lyn Joseph suggested staff contact Gruene Hall, and maybe consider some music to get people going.

Councilor Benny Martinez suggested hiring Mr. Tobias again to organize the event and offer him \$15,000 to put a one-day event together.

Councilor David Jordan cautioned Councilor Martinez on giving the job to one person without offering the job to the public or going for an RFP.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Catherine Rodriguez to take action. Councilor Alcocer and Councilor Rodriguez both rescinded their motion.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Catherine Rodriguez to table this item to a date certain, as soon as the information is available or the 21<sup>st</sup> or the 1<sup>st</sup> meeting in June with more information about Grandparents Day and an RFP and about cost and have more details so that we aren't just talking generally.

City Manager Kuenstler asked if it would be amenable if the RFP was brought back at the 2<sup>nd</sup> meeting in June to allow time to gather results. Councilor Alcocer agreed.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Monica Alcocer, Mayor Pro Tem
<b>SECONDER:</b>	Catherine Rodriguez, Council Place 2
<b>AYES:</b>	Alcocer, Edwards, Rodriguez, Martinez, Jordan

**Presentation and Discussion of an Ordinance of The City of Leon Valley, TX. Adopting Section 1.04.006 Of the Code of Ordinances, Imposing Procedures Pursuant to Section 3.12 Of the City Charter When Conducting A Council Investigation and Hearing (1st Reading as Required by City Charter) (M&C # 2019-05-07-10 As requested by Councilors Alcocer and Jordan)**

The City Council reviewed the 1<sup>st</sup> read of an ordinance imposing procedures pursuant to Section 3.12 of the City Charter when conducting a Council Investigation and Hearing. Investigating Attorney Ryan Henry was present via telephone.

There was a lengthy discussion.

Councilor Benny Martinez went off topic and was called Out of Order.

Councilor David Edwards asked that the Texas Attorney General give an opinion on whether or not City Manager Kuenstler had the authority to contact outside legal.

City Manager Kuenstler said she felt this was Out of Order but that she had contacted TML who said she had that authority.

The discussion continued.

Mayor Riley called for a recess at 10:20 p.m.

Mayor Riley reconvened the meeting at 10:31 p.m.

The discussion continued.

Direction was given to Investigating Attorney Ryan Henry to bring back all of the discussed changes for the second read. Mr. Henry was also asked to provide more information on quorum.

<b>RESULT:</b>	<b>FIRST READ</b>
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**The City Council Will Meet in Executive Session Pursuant to Texas Government Code 551.071 (Consultation with Attorney) To Discuss Pending Litigation; Specifically, Benny Martinez V City of Leon Valley, Cause No. 2019-CI-08343 In The 438th District, Bexar County Texas.**

Mayor Riley skipped this item.

**Reconvene into Regular Session and Take Potential Action in Relation to Pending Litigation, Specifically Benny Martinez v City of Leon Valley, Cause No. 2019-CI-08343 in the 438th District, Bexar County Texas.**

N/A

### **CITIZENS TO BE HEARD**

- Councilor Benny Martinez asked to give a statement from the podium.
  - Councilor David Jordan asked Attorney Henry if this should be allowed to speak on this issue from the floor.
  - Attorney Henry replied that “if a Councilor steps down from the dais to speak at Citizens to be Heard on an item that isn’t on the agenda, it is actually a violation of the Open Meetings Act. So, I strongly urge you not to do that Mr. Martinez.”
- Councilor Martinez said he disagreed and wondered if he should have someone else read it for him.
  - Councilor Monica Alcocer asked Attorney Henry if the person that was going to read this on behalf of Mr. Martinez was an appointed board member, would this be allowed.
  - Attorney Henry replied “No it would not”. “Only a non-appointed person would be a safe bet. Mr. Martinez can speak, just not now.”
- Olen Yarnell asked questions about his rights as a board member; for records; and about

this process.

**ADJOURNMENT**

Mayor Riley announced that the meeting adjourned at 12:46 AM.

**These minutes approved by the Leon Valley City Council on the 21st of May, 2019.**

APPROVED

  
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**CHRIS RILEY**  
MAYOR

ATTEST:   
**SAUNDRA PASSAILAIGUE, TRMC**  
CITY SECRETARY

